

Docket No. 240292US0CONT

IN RE APPLICATION OF: Shin HIRAYAMA, et al.

SERIAL NO: 10/616,921

FILED: July 11, 2003

FOR: HEALTH FOOD AND PREPARATION HAVING AN ANTI-OBESITY EFFECT



#fw/1#
cc

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Transmitted herewith is an **Amendment with attachments** in the above-identified application.

☐ No additional fee is required

☐ Small entity status of this application under 37 C.F.R. §1.9 and §1.27 is claimed.

☒ Additional documents filed herewith: Request for Extension of Time (2 months); Attachments - Declaration Under 37 C.F.R. 1.132 (Shin HIRAYAMA, executed, 3 pp.), Copy of *In re Shetty*, 566 F.2d 81, 195 USPQ 753 (CCPA 1977)

The Fee has been calculated as shown below:

CLAIMS	CLAIMS REMAINING		HIGHEST NUMBER PREVIOUSLY PAID	NO. EXTRA CLAIMS	RATE	CALCULATIONS
TOTAL	13	MINUS	20	0	x \$50 =	\$0.00
INDEPENDENT	4	MINUS	4	0	x \$200 =	\$0.00
		<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS			+ \$360 =	\$0.00
		TOTAL OF ABOVE CALCULATIONS				\$0.00
		<input type="checkbox"/> Reduction by 50% for filing by Small Entity				\$0.00
		<input type="checkbox"/> Recordation of Assignment			+ \$40 =	\$0.00
		TOTAL				\$0.00

☐ A check in the amount of **\$0.00** is attached.

☒ Credit card payment form is attached to cover the fees in the amount of **\$450.00**

☒ Please charge any additional Fees for the papers being filed herewith and for which no check or credit card payment is enclosed herewith, or credit any overpayment to deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

☒ If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time may be charged to Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

Harris A. Pitlick

Registration No. 38,779

Customer Number

22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 05/03)



DOCKET NO: 240292US0CONT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
SHIN HIRAYAMA, ET AL. : EXAMINER: COE, SUSAN D.
SERIAL NO: 10/616,921 :
FILED: JULY 11, 2003 : GROUP ART UNIT: 1654
FOR: HEALTH FOOD AND :
PREPARATION HAVING AN ANTI-
OBESITY EFFECT

AMENDMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Responsive to the Office Action dated October 19, 2004, Applicants respectfully request reconsideration of the above-identified application in view of the following amendment, Declaration under 37 CFR 1.132 of named coinventor Shin Hirayama (Hirayama Declaration) **submitted herewith**, and remarks.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Discussion of the Amendment begins on page 5 of this paper.

Remarks begin on page 6 of this paper.